

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-11 are presently active in this case. The present Amendment amends Claims 1-4 and adds new Claims 5-11 without introducing any new matter.

The outstanding Office Action objected to the drawings because of informalities. Claims 1, 2 and 4 were rejected under 35 U.S.C. §102(b) as anticipated by Watanabe et al. (U.S. Patent No. 5,513,036, herein "Watanabe"). Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Watanabe in view of Goto et al. (U.S. Publication No. 2002/0149846, herein "Goto"). Claims 1-4 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over the co-pending Application No. 10/502,642.

In response to the provisional rejection of Claims 1-4 as being unpatentable for the obviousness-type double patenting over Applicants' copending patent application no. 10/502,642, Applicants herewith file a Terminal Disclaimer against the co-pending Application with the Serial No. 10/502,642.

In response to the objection to the drawings, submitted herewith is a Letter Submitting Drawing Sheets along with 4 Replacement Sheets for Figures 4-7 adding the labeling "background art" to these Figures, as required by MPEP §608.02(g).

In order to correct minor formalities and in order to better comply with U.S. claim drafting practice, Claims 1-4 are amended. Since the changes to Claims 1-4 are only formal in nature, they are not believed to raise a question of new matter.

In order to vary the scope of protection recited in the claims, new Claims 5-11 are added. New Claim 5 depends upon Claim 1 and recites "a viewer side of the vertical

lenticular lens sheet has a flat surface.”¹ New Claim 6 depends upon Claim 1 and recites “a viewer side of the vertical lenticular lens sheet is covered with at least one of a transparent coating agent or a resin sheet, configured to cover the black stripes.”² New Claim 7 depends upon Claim 5 and recites “the flat surface includes a mirror-finished surface.”³ New Claim 8 depends upon Claim 1 and recites “the vertical lenticular lens sheet includes an antireflective layer.”⁴ New Claim 9 depends upon Claim 1 and recites “the black stripes of the vertical lenticular lens sheet are arranged at midpoints between focal positions of adjacent upper and lower hills of the vertical lenticular lens.”⁵ New Claim 10 depends upon Claim 1 and recites “the relation of the upward shift of the black stripes is determined by an angle formed by a first line along an optical axis of the projector and by a second line from a light-exit point of the projector to the lens center of the Fresnel lens sheet.”⁶ New Claim 11 depends upon Claim 1 and recites “the Fresnel lens sheet and the vertical lenticular lens sheet have shifted optical axes.”⁷ Since the new claims find non-limiting support in the disclosure as originally filed, they are not believed to raise a question of new matter.⁸

In response to the rejection of Claims 1-2 and 4 under 35 U.S.C. §102(b), Applicants respectfully request reconsideration of this rejection and traverses the rejection, as discussed next.

Briefly recapitulating, Applicants’ invention, as recited in Claim 1, relates to a rear projection screen for use in a rear projection display apparatus. The rear projection screen includes at least three lens sheets, and these lens sheets include: a Fresnel lens sheet, a horizontal lenticular lens sheet configured to horizontally refract the incident light, and a

¹ Finds non-limiting support in Applicants’ Specification as originally filed, for example at page 5, lines 17-19 and in corresponding Figure 3B.

² Idem at page 5, lines 20-24

³ Idem at page 5, lines 24-25.

⁴ Idem at page 6, lines 21-24.

⁵ Idem at page 8, lines 1-4.

⁶ Idem from page 7, line 21 to page 8, line 11, and in corresponding Figure 1.

⁷ Idem in Figures 1-4.

⁸ See MPEP 2163.06 stating that “information contained in any one of the specification, claims or drawings of the application as filed may be added to any other part of the application without introducing new matter.”

vertical lenticular lens sheet configured to vertically refract the incident light, in this order from an incident side of the incident light. The vertical lenticular lens sheet includes a lenticular lens on an incident surface of the vertical lenticular lens sheet and black stripes in a vicinity of a focus of the lenticular lens in portions where the incident light does not pass through. Further, a lens center of the Fresnel lens sheet is arranged upward with respect to a mechanical center of the screen, and, in relation to this arrangement, the black stripes of the vertical lenticular lens sheet are shifted with respect to the vertical lenticular lens. As explained in Applicants' Specification at page 2, lines 5-20 with corresponding Figure 1, Applicants' invention improves upon conventional rear projection screens because it can provide a high contrast and improved image quality.

Turning now to the applied references, Watanabe discloses a projection screen, with three lens sheets, including a circular Fresnel lens sheet 7, a linear Fresnel lens sheet 6 and a lenticular lens sheet 5, wherein the optical center of the circular Fresnel lens sheet 7 is offset from the mechanical center.⁹ However, Watanabe fails to teach that a lens center of the Fresnel lens sheet that is arranged upward with respect to a mechanical center of the screen, and in a relation to this arrangement, the black stripes of the vertical lenticular lens sheet are shifted with respect to the vertical lenticular lens. In Watanabe, the outgoing green light at the mechanical center of the screen (at vertical and horizontal positions 0°) is perpendicular to the screen.¹⁰ Therefore, Watanabe's incident side lens *cannot have* shifted optical axes between the incident side lens and the exit side lens (Watanabe's lenses 5 and 7). Watanabe states that "it is preferable to combine the optical axis corrections or adjustments based upon the linear and circular Fresnel lens sheets **6 and 7**."¹¹ Further, Applicants' claimed

⁹ See Watanabe in the Abstract, at column 3, lines 63-67, column 5, lines 14-17 and in corresponding Figure 2.

¹⁰ See Watanabe at column 10, lines 26-32 and in Table 2, 3 and 4.

¹¹ See Watanabe at column 5, lines 25-30.

relationship between the upward shift of the black stripes is further defined in newly presented dependent Claim 10.

Merely that Wanabe teaches that a light absorbing layer is formed at light non-converged portions of the incident light side lenses,¹² is insufficient to show that Watanabe inherently teaches the lens center of the Fresnel lens sheet being arranged upward with respect to a mechanical center of the screen, and in a relation to this arrangement, the black stripes of the vertical lenticular lens sheet are shifted with respect to the vertical lenticular lens, as claimed by Applicants. Applicants also note that Watanabe's lens 6 is a Fresnel lens **and not** a lenticular lens, as claimed. As explained above, Watanabe also fails to show "that the allegedly inherent characteristic *necessarily* flows from the teachings of the applied reference."¹³

In response to the rejection of Claim 3 under 35 U.S.C. §103(a), since Applicants believe that independent Claim 1 is allowable, dependent Claim 3 is also believed to be allowable. Further, the applied reference Goto does not remedy the deficiencies of Watanabe. Goto fails to disclose anything on offsets between optical axes of lens sheets. Therefore, even if the combination of Watanabe and Goto is assumed to be proper, the combination fails to teach or suggest all the features of Applicants' independent Claim 1. Accordingly, Applicants respectfully traverse, and request reconsideration of the obviousness-type rejection of Claim 3.

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in

¹² See Watanabe at column 8, lines 9-14.

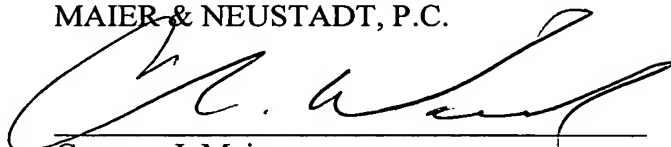
¹³ See MPEP 2112 (emphasis in original) (citation omitted). See also same section stating that "[t]he fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic," (emphasis in original). See also In re Robertson, 49 USPQ2d 1949, 1951 (Fed. Cir. 1999) ("[t]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill,'" citing Continental Can Co. v. Monsanto Co., 948 F2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991); and "[i]nherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient," Id. at 1269 (citation omitted)).

condition for formal Allowance. A Notice of Allowance for Claims 1-11 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 4-7. These sheets, which include Figures 4-7, replace the original sheet including Figures 4-7.

Attachment: Replacement Sheets